

and procedures must be appropriate to the nature, size, complexity, and scope of the mortgage lending activities of the bank, and apply only to those employees acting within the scope of their employment at the bank. At a minimum, these policies and procedures must:

- (a) Establish a process for identifying which employees of the bank are required to be registered mortgage loan originators;
- (b) Require that all employees of the national bank who are mortgage loan originators be informed of the registration requirements of the S.A.F.E. Act and this subpart and be instructed on how to comply with such requirements and procedures;
- (c) Establish procedures to comply with the unique identifier requirements in §34.105;
- (d) Establish reasonable procedures for confirming the adequacy and accuracy of employee registrations, including updates and renewals, by comparisons with its own records;
- (e) Establish reasonable procedures and tracking systems for monitoring compliance with registration and renewal requirements and procedures;
- (f) Provide for independent testing for compliance with this subpart to be conducted at least annually by bank personnel or by an outside party;
- (g) Provide for appropriate action in the case of any employee who fails to comply with the registration requirements of the S.A.F.E. Act, this subpart, or the bank's related policies and procedures, including prohibiting such employees from acting as mortgage loan originators or other appropriate disciplinary actions;
- (h) Establish a process for reviewing employee criminal history background reports received pursuant to this subpart, taking appropriate action consistent with applicable Federal law, including section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) and implementing regulations with respect to these reports, and maintaining records of these reports and actions taken with respect to applicable employees; and
- (i) Establish procedures designed to ensure that any third party with which the bank has arrangements related to

mortgage loan origination has policies and procedures to comply with the S.A.F.E. Act, including appropriate licensing and/or registration of individuals acting as mortgage loan originators.

**§ 34.105 Use of unique identifier.**

- (a) The national bank shall make the unique identifier(s) of its registered mortgage loan originator(s) available to consumers in a manner and method practicable to the institution.
- (b) A registered mortgage loan originator shall provide his or her unique identifier to a consumer:
  - (1) Upon request;
  - (2) Before acting as a mortgage loan originator; and
  - (3) Through the originator's initial written communication with a consumer, if any, whether on paper or electronically.

**APPENDIX A TO SUBPART F OF PART 34—  
EXAMPLES OF MORTGAGE LOAN  
ORIGINATOR ACTIVITIES**

This Appendix provides examples to aid in the understanding of activities that would cause an employee of a national bank to fall within or outside the definition of mortgage loan originator. The examples in this Appendix are not all inclusive. They illustrate only the issue described and do not illustrate any other issues that may arise under this subpart. For purposes of the examples below, the term "loan" refers to a residential mortgage loan.

- (a) *Taking a loan application.* The following examples illustrate when an employee takes, or does not take, a loan application.
  - (1) Taking an application includes: receiving information provided in connection with a request for a loan to be used to determine whether the consumer qualifies for a loan, even if the employee:
    - (i) Has received the consumer's information indirectly in order to make an offer or negotiate a loan;
    - (ii) Is not responsible for verifying information;
    - (iii) Is inputting information into an on-line application or other automated system on behalf of the consumer; or
    - (iv) Is not engaged in approval of the loan, including determining whether the consumer qualifies for the loan.
  - (2) Taking an application does not include any of the following activities performed solely or in combination: